

2018 JUL 31 PM 3:06

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

CIVIL NO. A-17-CV-00215-LY

§ § § § § § § § § §

g

Before the court is the above styled and numbered action. By Order rendered March 14, 2018 the court referred Defendant Liberty Mutual Insurance Company's Motion to Dismiss Count VII of Hunt's Amended Complaint, or, Alternatively for More Definite Statement filed February 19, 2018 (Clerk's Document No. 72), Plaintiff Hunt Construction Group, Inc.'s Memorandum in Opposition to Liberty's Motion to Dismiss Count VII filed March 5, 2018 (Clerk's Document No. 76), and Liberty's Reply in Support of its Motion to Dismiss Count VII of Hunt's Amended Complaint, or, Alternatively for More Definite Statement filed March 12, 2018 (Clerk's Document No. 77) to the United States Magistrate Court for a report and recommendation (Clerk's Document No. 78). *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72; Loc. R. W.D. Tex. Appx. C, R. 1(c). On June 26, 2018, the magistrate judge rendered a Report and Recommendation of the United States Magistrate Judge recommending that this court deny Liberty Mutual's motion to dismiss or in the alternative motion for a more definite statement (Clerk's Document No. 94). The parties received the report and recommendation on June 26, 2018.

A party may serve and file specific written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendations in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc). Objections, if any, were due to be filed July 10, 2018. To date no objections have been filed.

The court, having reviewed the entire record and finding no plain error,

**IT IS ORDERED** that for substantially the reasons stated therein, the Report and Recommendation of the United States Magistrate Judge signed June 26, 2018 (Clerk's Document No. 94) is hereby **ACCEPTED AND ADOPTED**.

**IT IS FURTHER ORDERED** that Defendant Liberty Mutual Insurance Company's Motion to Dismiss Count VII of Hunt's Amended Complaint, or, Alternatively for More Definite Statement filed February 19, 2018 (Clerk's Document No. 72) is **DENIED**.

SIGNED this 31st day of July, 2018.

  
\_\_\_\_\_  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE